IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7384/2003

MUNICIPAL BOARD, NIWAI Vs. BHOORA THROUGH LRs & ORS.

DATE: 22.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. K.N. Gupta for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.
Mr. Surendra Vyas,)
Mr. R.K. Mathur and)
Mr. Bharat Yadav) for the respondents.

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This writ petition is filed by the Municipal Board, Niwai challenging the order dated 31.03.2003 passed by the Board of Revenue, Rajasthan, Ajmer.

Brief facts of the present case are that respondent Nos. 1 to 5 were alloted land out of Khasra No. 1890 situated in Niwai and the Patta was issued by the SDO, Tonk in favour of the allottees on 12.06.1975. The total land which has been alloted in favour of the respondents is 1 Bigha and 10 Biswa out of Khasra No. 1890. A notification dated 17.12.1975 was published in the office gazette on 25.12.1975, by which the municipal limit has been increased and disputed Khasra No. 1890 came under the municipal limit and vide order

dated 21.01.1976 the District Collector transferred the land to the Municipal Board for the purpose of allotment to the landless persons for residential purpose and the same has been converted as residential from agricultural. The Municipal Board has challenged the regularisation of the land of Alladin by filing an application under Rule 14(4) of the Rajasthan Allotment of Land for Agricultural Purpose Act, 1970 and on that application, the District Collector, Tonk vide its order dated 20.12.94 cancelled the regularisation.

Against the said order dated 20.12.94, appeal was preferred before the Revenue Appellate Authority and the Revenue Appellate Authority vide its judgment and decree dated 23.06.98 set aside the order passed by the Collector, Tonk.

The aforesaid judgment and decree dated 23.06.98 was challenged by the petitioner by way of filing a revision petition before the Board of Revenue, Ajmer and the same was also dismissed by the Board of Revenue vide its judgment dated 31.03.2003. Aggrieving and dissatisfying with the judgments passed by the Revenue Appellate Authority and the Board of Revenue, the present writ petition has been preferred by the petitioner.

It is not disputed that the petitioner also filed a civil suit and the Civil Judge (Sr. Division) passed the judgment dated 01.02.94, which was assailed before the District Judge, Tonk and the same was set aside vide judgment and decree dated 28.02.99 and the aforesaid judgment passed by the District Judge, Tonk dated 28.02.99 was challenged by the Municipal Board, Niwai before this Court by way of filing second appeal, which was registered as S.B. Civil Second Appeal No. 287/1999- Municipal Board, Niwai Vs. Bhura & Others, and the same was dismissed by this Court vide judgment dated 07.12.2005.

Against the said judgment dated 07.12.2005 passed by this Court, Special Leave Petition was filed by the Municipal Board before the Hon'ble Supreme Court and the same was also dismissed by the Hon'ble Supreme Court vide its order dated 04.07.2006.

Considering this fact that the petitioner has already availed civil jurisdiction and contested up to the level of Hon'ble Supreme Court and all the Courts given concurrent findings against the petitioner and now this is second round. The Board of Revenue dismissed the revision petition filed by the petitioner against the order dated 23.06.98 passed by the Revenue Appellate Authority, vide its judgment dated 31.03.2003

not only on the ground of limitation but also on merit after thoroughly considering each and every aspect.

Upon careful perusal of the judgment dated 23.06.98 passed by the Revenue Appellate Authority as well as the judgment dated 31.03.2003 passed by the Board of Revenue as also the judgment dated 07.12.2005 passed by this Court in second appeal and the judgment of the Hon'ble Supreme Court dated 04.07.2006 passed in Special Leave Petition, I find no illegality in the order dated 31.03.2003 passed by the Board of Revenue, Ajmer and the petitioner has got no case in his favour and thus, the writ petition deserves to be dismissed being devoid of merit.

Consequently, the writ petition fails and the same is hereby dismissed.

The interim order dated 26.07.2004 granted by this Court is hereby rejected and the stay application also stands disposed of.

(K.S. RATHORE),J.

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